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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

AMENDMENT OF PART 80 OF)
THE COMMISSION'S RULES)

for an Allocation of Frequencies)
for Digital Shipboard Earth)
Stations)
(Request for Pioneer Preference))

File No. PP-34
in RM 7912

Federal Communications Commission
Office of the Secretary

TO: The Commission

COMMENTS OF
IDB COMMUNICATIONS GROUP, INC.

IDB Communications Group, Inc. (IDB) hereby comments on Crescomm Transmission Services, Inc.'s (Crescomm) Request for Pioneer Preference included as part of its Petition for Rule Making (Petition) in RM-7912 submitted on December 12, 1991. IDB limits its comments to the appropriateness of a Commission grant of a pioneer preference in the context of Crescomm's Petition.

I. Introduction

In its Petition, Crescomm proposed reallocation of certain frequency bands to permit maritime mobile-satellite services to share spectrum currently allocated to the fixed-satellite service, and stated that such reallocation would permit digital shipboard earth stations to communicate with fixed and temporary-fixed satellite earth stations from locations in ocean, sea and coastal areas. Crescomm also petitioned for a pioneer preference for the licensing of the maritime earth stations for operation on ships within the coverage areas of domestic and international satellite systems (Petition at 8).

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II. Crescomm Is Not Eligible For The Grant
Of A Pioneer Preference.

When considering an award of a pioneer preference, the Commission analyzes whether the applicant proposes to provide either a service not currently provided or a substantial enhancement to an existing service. This standard can be met by an applicant's developing new technology that is useful or necessary to the provision of a new radio-based service or that incorporates a significant enhancement or capability within an existing service. Tentative Decision, FCC 92-21, released February 11, 1992 in ET Dkt. No. 91-280, para. 13 (Low-Earth Orbit Satellites). The Commission also stated in the Tentative Decision, that it would not grant preference requests casually and that each applicant would have a significant burden of persuasion that its proposal was innovative and had merit, and that the applicant was the original developer or proponent of the innovation at issue. Tentative Decision, supra, para. 13.

IDB asserts that Crescomm's proposal does not meet the eligibility standard for the award of a pioneer preference set forth by the Commission. Crescomm has not demonstrated an innovation beyond existing technology and would not be making a unique or innovative contribution to telecommunications. The use of C-band or Ku-band frequencies for the transmission of audio, video and data communications is hardly an innovation. The use of these frequencies from a mobile platform is not new, nor particularly innovative either. For example, Qualcomm, Inc.'s

Omni-TRACs service for the trucking industry uses existing Ku-band fixed-satellite service domestic satellite capacity to provide service to mobile platforms. The award of a preference to Crescomm will not lead to the establishment of a service not currently provided or to the substantial enhancement of an existing service.

The Commission has confirmed that it will not casually grant pioneer preferences. The Crescomm request for a preference is not the place to deviate from that sound policy.

III. Grant Of A Pioneer Preference Is Unnecessary
And Inappropriate Where There Is No Mutually
Exclusive Use Of Scarce Spectrum.

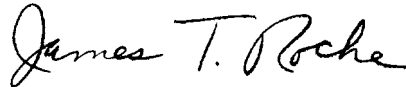
The Commission's award of a pioneer preference is not the grant of a license, but only a preference in the licensing process. The applicant awarded a pioneer preference gains expeditious handling of its license application (not a monopoly), and the remaining "mutually exclusive" applicants are then subject to comparative hearings, lotteries, or some other selection process.

The grant of a pioneer preference is unnecessary and inappropriate where an applicant has not proposed mutually exclusive use of scarce spectrum. Multiple users of C-band and Ku-band earth station facilities can operate simultaneously without interfering with one another. Where there is no mutual exclusivity, as is the case with Crescomm's proposal, there is no reason to award a pioneer preference.

WHEREFORE, IDB Communications Group, Inc. submits that Crescomm has not met the significant burden of persuasion required in order to be awarded a pioneer preference.

Respectfully submitted,

IDB COMMUNICATIONS GROUP, INC.

A handwritten signature in cursive script that reads "James T. Roche".

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April 10, 1992

CERTIFICATE OF SERVICE

I, Susanne Deljoubar, do hereby certify that I have this 10th day of April, 1992 sent the foregoing "Comments of IDB Communications Group, Inc." by first-class U.S. mail, postage prepaid, to the following:

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